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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,117	08/22/2000	Claus Skaanning	10003528-1	1477
7590	02/13/2004		EXAMINER	
Hewlett-Packard Company Intellectual Property Administration P O Box 272400 Fort Collins, CO 80528-9599			HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2121	3
DATE MAILED: 02/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/644,117	SKAANNING ET AL.	
	Examiner Michael B. Holmes	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2000.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 29-38 is/are allowed.
 6) Claim(s) 1 is/are rejected.
 7) Claim(s) 2-28 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 22 August 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |



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Examiner's Detailed Office Action

1. This office action is responsive to application **09/644,117**, filed **August 22, 2000**.
2. **Claims 1-38** have been examined.

Information Disclosure Statement

3. Examiner acknowledges applicants' submission of prior art and information disclosure. Nevertheless, applicant is respectfully remind of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by continuing to submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's of application or thereafter.

Drawings

4. The formal drawings have not been reviewed by the United States Patent & Trademark Office of Draftperson's Patent Drawings Review. Form PTO-948 has not been provided.

Specification Objection

6. The specification needs to be update with respect to reference of co-pending patent application Serial Number 09/353,727, which has went to patent 6,535,865 B1. Moreover, the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Objection

7. Claims 2-28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Moreover, claim 17 does not end with a period. Appropriate correction is required.

Claim Interpretation

8. Office personnel are to give claims their "**broadest reasonable interpretation**" in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551(CCPA 1969). See *also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322(Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms

reasonably allow. . . . The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed. . . . An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”). *see MPEP § 2106*

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by
Baker (USPN 6,076,083), Filed: August 21, 1996; Date of Patent: June 13, 2000.

Regarding Claim 1:

Baker teaches,

A method for validating a probabilistic diagnostic system comprising the following steps:

- (a) generating a diagnostic sequence from a diagnostic model; [(*col. 7, line 51-65* “*In the exemplary embodiment, a communications network is represented as a Bayesian network where devices, communication links, and the problems and symptoms associated with these are represented as nodes in the Bayesian network. The nodes are assigned conditional probability matrices according to the methods of the invention. Data from the network is collected using readily available communications network management tools (e.g. PING, SNMP, packet sniffing, or other proprietary network testing tools that are included with vendors' devices). At regular intervals a vector of data values is collected from the network and input to the system as a "problem description". A "problem description" may consist of a set of data values taken off the network that are indicative of an improperly functioning network.“*)]
- (b) evaluating the diagnostic sequence to determine whether the diagnostic sequence provides an acceptable resolution to a problem; [*(col. 7, line 65 to col. 8, line 1* “*When a problem description is input to the system, the probabilistic inference algorithms are run and the system generates probabilities for the potential causes of the problem, including the conclusion that no fault is present.“*)]
- (c) repeating steps (a) and (b) for additional diagnostic sequences from the diagnostic model; [*(col. 8, line 2-7* “*Each time the inference engine is run, system conclusions are formatted for display on a computer monitor and a graphical user interface (GUI) component updates the data*

display. The GUI also responds to operator requests for additional information about data used to generate particular problem hypotheses.“)]

(d) determining whether a predetermined number of diagnostic sequences provided an acceptable resolution; [(**col. 8, line 33-42** “*Information about initial problem symptoms and the finally resolved cause of (and/or solution to) the problem is used to automatically update the model of the domain stored in the Bayesian network knowledge base. When a problem has been resolved and the trouble ticket is closed, the model learning component of the system is invoked to automatically update the appropriate probability matrices in the Bayesian network. This enables the system to adapt its model of the domain either to improve an initial model in an unchanging domain or to learn a new model as conditions in the communications network change.“)] and,*

(e) accepting the diagnostic model when in step (d) it is determined that the predetermined number of diagnostic sequences provide an acceptable resolution. [(**col. 8, line 58-63** “*Since the problem tail display shows only system conclusions, the interface also allows a network operator to display underlying raw data collected from the network tests organized according to its use in the probabilistic analysis supporting a suggested solution to the fault.“)]*

Claims 29-38 are allowed.

Conclusion

13. The prior art made of record and (listed of form PTO-892) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respect-

fully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

Correspondence Information

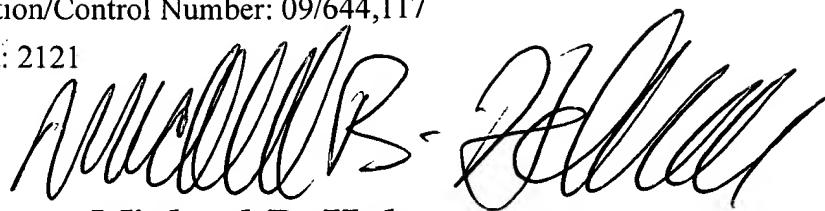
14. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anil Khatri**, may be reached at **(703) 305-0282**.

Any response to this office action should be mailed to:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia.**

Art Unit: 2121



Michael B. Holmes

Patent Examiner
Artificial Intelligence
Art Unit 2121

United States Department of Commerce
Patent & Trademark Office